

FOR FURTHER INFORMATION CONTACT:

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Decided: October 20, 1994.

By the Commission, Vernon A. Williams, Acting Secretary.

Vernon A. Williams,

Acting Secretary.

[FR Doc. 94-26512 Filed 10-25-94; 8:45 am]

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

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Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition to List the Say's Spiketail Dragonfly as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Say's spiketail dragonfly (*Cordulegaster sayi*) under the Endangered Species Act (Act) of 1973, as amended. The Service finds that the petition presents substantial information indicating that listing this species may be warranted.

DATES: The finding announced in this document was made on October 17, 1994. To be considered in the 12-month finding for this petition, information and comments should be submitted to the Service by December 27, 1994.

ADDRESSES: Comments and information concerning this petition should be sent to U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Dr. Michael M. Bentzien, Acting Field Supervisor, at the above address; telephone (904) 232-2580.

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Act, as amended, requires that the Service make a finding on whether a petition to list, delist or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at

the time the finding is made. To the maximum extent practicable, the finding shall be made within 90 days following receipt of the petition and promptly published in the **Federal Register**. The Service must also commence a timely status review of the petitioned species if its accompanying information results in a positive finding. Following a positive 90-day finding, Section 4(b)(3)(B) of the Act requires the Service to make a 12-month finding as to whether the petitioned action is:

- (1) Not warranted,
- (2) Warranted; or
- (3) Warranted but precluded by other higher priority listing proposals.

On February 15, 1994, the Service received a petition from Ms. Nancy Fraser Williams on behalf of the Rock Creek Owners' Association, Gainesville, Florida. The petition requests that Say's spiketail dragonfly, (*Cordulegaster sayi*), be listed as an endangered species. It states that a portion of a forested ravine and its riparian corridor owned by the Rock Creek residential housing subdivision is essentially the species' only known breeding grounds. The petitioners contend that a proposed municipal storm water retention project within the corridor's floodplain, described as the Possum Branch of Hogtown Creek, would gravely endanger the existing breeding sites of this extremely rare dragonfly and virtually wipe out the species.

Westfall (unpublished) provides collection information for Say's spiketail from seven localities in northern Florida and one specific site from southeastern Georgia. Five of these sites are located on public land, with occurrence based on fewer than two dozen specimens. Rock Creek, named in the petition, is the best studied and most productive of the known collection sites. Alabama may be added to the range if identification of an adult female collected in 1994 from Conecuh National Forest is verified (Mr. Bill Mauffray, International Odonate Research Institute, pers. comm., 1994).

Say's spiketail was included as a candidate for listing in the Service's invertebrate notice of review for animals published in the **Federal Register** on May 22, 1984 (49 FR 21664) and is comprehensive animal notices of review published January 6, 1989 (54 FR 554) and November 21, 1991 (56 FR 58804). The dragonfly was included in the first notice as a category 1 candidate for listing, but as a category 2 candidate in subsequent notices. A category 1 taxon is one for which the Service has available enough substantial information on biological vulnerability and threat(s) to support a proposal to

list it as endangered or threatened. A category 2 taxon is one for which information in possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support a proposed rule.

The information presented in the petition supports the Service's previous decision to consider this species as a category 2 listing candidate as defined above. At the time the petition was received, the Service was aware of and investigating the proposed floodwater relief project and its potential impact on Say's spiketail. The hydrologic model for the project (Westfall and Mauffray 1994) predicted the proposed flood control structure would increase depth of inundation for 10-year and 25-year storm events by approximately 2 and 3 feet, respectively. All but one of nine seepage transects included in the project's biological assessment would be completely inundated during any 10-year event. The seep heads and a few feet of their runs in four of the nine sampled seeps would not be totally inundated by a 10-year flood under the existing pre-project conditions.

One such 10-year event did occur in March 1993. The only larvae collected after this flood were found at three completely inundated seeps (Westfall and Mauffray, 1994). Less than 10 percent of the previous seasons' adult total was observed during a 3-week period in 1993. During the 1994 flight season, however, 12 adults were observed in a single day at Rock Creek, indicating recovery from any adverse effects from flooding. It appears that larvae may not be displayed by significant flooding and are able to survive these episodes at their original locations.

A recent review of category 2 insects in the southeast region (Schweitzer 1989) recommended a very high status survey priority for Say's spiketail. The Service concurs with this recommendation and plans to fund a survey within the near future to better determine current distribution and status. However, the service does not anticipate this survey will be completed in time for the 12-month finding on this petition.

Although a status review of Say's spiketail dragonfly is currently in progress based upon its inclusion as a category 2 species in the Service's comprehensive notice of review for animal candidates, the Service hereby announces its formal review of the species' status pursuant to this 90-day petition finding. Public comments

regarding population trends, biological vulnerability and threats to this species should be sent to the office specified in the ADDRESSES section.

References Cited

- Schweitzer, D.F. 1989. A review of category 2 insects in the U.S. Fish and Wildlife Service's Regions 3, 4, and 5. Report to the U.S. Fish and Wildlife Service, Newton Corner, MA. Pg. 24-25.
- Westfall, M.J. Jr., and F.C. Johnson. Unpublished. Notes on *Cordulegaster sayi* Selys, 1854, with a description of the larva, redescription of the female, and notes on related species.
- Westfall, M.J. Jr., and W. Mauffray. 1994. Report of the dragonfly, *Cordulegaster sayi* (Selys), a C2 candidate for endangered species status, in the Possum Branch of the Hogtown drainage system, and the potential devastation of the largest known breeding area by a proposed city of Gainesville flood control project. International Odonate Research Institute. 10 pp.

Author

This document was prepared by Mr. John F. Milio (See ADDRESSES section).

Authority: The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: October 17, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

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